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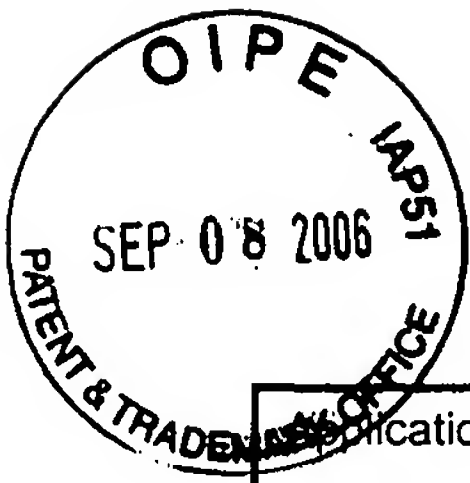
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/709,329-Conf. #3328
	Filing Date	July 15, 2004
	First Named Inventor	Earl Rotman
	Art Unit	3628
	Examiner Name	N. B. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	20107/1200838-US1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mailing; Appellants' Brief On Appeal Under 37 C.F.R. § 41.37; Response To The Notice Of Non-Compliant Appeal Brief; Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Richard J. Katz		
Date	September 8, 2006	Reg. No.	47,698



Application No. (if known): 10/709,329

Attorney Docket No.: 20107/1200838-US1

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Appellants' Brief on Appeal (27 pages, 3 copies)
Response to the Notice of Non-Compliant Appeal Brief (2 pages)
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File No. 20107/1200838-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Earl ROTMAN et al.\

Application No.: 10/709,329

Confirmation No.: 3328

Filed: April 28, 2004

Art Unit: 3628

For: SYSTEM AND METHOD FOR CREATING
TRADEABLE FINANCIAL UNITS

Examiner: Nga B. Nguyen

MS Appeal Brief - Patents
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RESPONSE TO THE NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

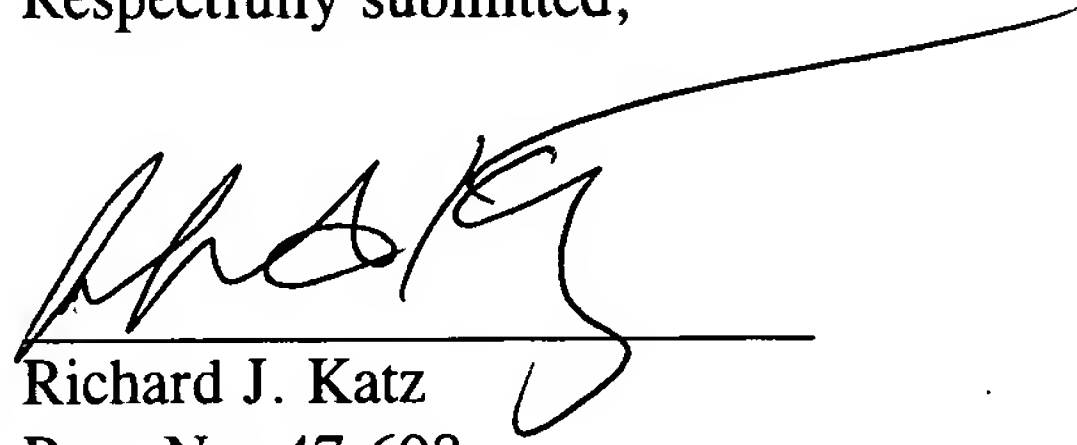
Responsive to the Notice mailed August 8, 2006, entry of the Amended Appeal Brief submitted concurrently herewith is respectfully requested.

The Notice indicates that the Appeal Brief filed June 30, 2006 is non-compliant for not containing items required by 37 C.F.R. § 41.37(c). In particular, the Notice indicates that the Summary of Claimed Subject Matter did not contain a concise explanation of each independent claim involved in the appeal, and that the argument for the second ground of rejection did not state the correct claims.

Applicants submit that the Amended Appeal Brief, submitted herewith, is fully complaint with the requirements of 37 C.F.R. § 41.37. Each and every point raised in the Notice of Non-Compliant Appeal Brief, has been addressed in this Amended Appeal Brief.

This response to the Notice of Non-Complaint Appeal Brief, and the Amended Appeal Brief, concurrently submitted herewith, should be considered because they are both being filed within thirty days of the mailing of the Notice and, thus, no fee is due. However, the Commissioner is hereby authorized to charge any fees deemed required in connection with this submittal to Deposit Account No. 04-0100.

Respectfully submitted,



Richard J. Katz
Reg. No. 47,698
Attorney for Applicants

Dated: September 8, 2006

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Dated:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 3328

Group Art Unit: 3628

Examiner: Nga B. Nguyen

For: SYSTEM AND METHOD FOR CREATING TRADEABLE FINANCIAL UNITS

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

Dear Sir:

The present application has been granted special status (See, Decision on Petition to Make Special, mailed June 18, 2004). Additionally, the present application is participating in the Pre-First Office Action Interview Program announced March 31, 2004. Accordingly, Appellants request accelerated treatment of this brief.

In accordance with the Pre-Appeal Brief Conference Program, “the period of time for filing the appeal brief will be the later of the two-month period set in 37 C.F.R. § 41.37(a) or one month from the mail date of the decision on the request.” *See* USPTO OG Notice: July 13, 2005. Therefore, Appellants submit that this Appeal Brief is timely filed, and requires no extension of time fees. However, the Commissioner is hereby authorized to charge any unpaid fees deemed

required in connection with this Appeal Brief, or to credit any overpayment, to Deposit Account No. 04-0100.

In accordance with 37 C.F.R. §§ 41.31 and 41.37, this brief follows the August 11, 2005 filing of a Notice of Appeal and payment of the required fee. This brief is in support of said Notice of Appeal.

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is CIBC World Markets Corp. The inventors have assigned their rights in and to this application to CIBC World Markets Corp., such assignment having been duly recorded.

II. RELATED APPEALS AND INTERFERENCES

To appellants' knowledge, there are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-74 are pending in the application.

This appeal is in respect of the rejection of claims 1-74.

The claims are reproduced in the **Claims Appendix**. The current status of the application's claims is as follows:

1. Claims canceled: none;
2. Claims withdrawn from consideration but not canceled: none;
3. Claims pending: 1-74;

4. Claims allowed: none;

5. Claims rejected: 1-74.

Claims 1-74 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The claims on appeal are claims 1-74.

For the purpose of the present appeal, Appellants request that article claims 1-18, 30-49, 61-62 and 73-74 be considered to form a first group. Appellants further request that method claims 19-29, 50-60 and 63-72 be considered to form a second group.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the January 17, 2006 Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to a system and method relating to offerings of securities in a company. Independent claims 1, 17 and 48 are directed to a financial instrument that is an article suitable for trade as a unit, where the unit represents both ownership of an equity share of a company and ownership of a debt of the company. The unit represents both equity and debt of a company in a prescribed way according to a predetermined ratio. The article of claim 1 includes “equity shares in a company which is capable of paying dividends,” “debt of the company which is interest bearing at a particular rate until a particular maturity date,” and “said debt being represented by the unit in a prescribed way according to a predetermined ratio.” Claim 17 includes similar features and also comprises “a software reference associating the quantity of equity shares and the amount of debt to a single, unique number suitable for facilitating the clearing and settlement of any

purchases and sales of the unit.” Claim 48 recites similar features and further comprises a database that includes “an entry identifying a registered holder of the unit.” (Specification page 9, lines 20-22, Figs. 1, 3; 6, and 7.)

Independent claims 7, 30, 38 and 61 are directed to an article that includes additional features making the unit suitable for a subsequent offering by the company. The article of claim 7 includes “first debt of a company” and “second debt of a company” where each “is interest bearing at a particular rate until a particular maturity date.” Claim 30 recites similar features and further includes “a software reference associating the quantity of equity shares and the amounts of first and second debt to a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit.” Claim 38 recites similar features and includes a database record representing “a first debt of the company” and “a second debt of the company,” where each “is interest bearing at the particular rate until the particular maturity date,” and further recites that the database record includes “an entry identifying a registered holder of the unit.” Claim 61 recites similar subject matter and further includes “a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit.” (Specification page 22, line 19 through page 23, line 6, Figs. 2 and 7.)

Independent method claims 19, 50 and 63 recite steps which create the article suitable for trading as a unit. These steps include, or are similar to the steps of, “defining the capital structure” of a company, “submitting a request to separately register the equity, the debt and the unit,” and “requesting the association of the registered equity shares and the debt together in a prescribed way according to the predetermined ratio to form the unit under a single, unique number, which unique number is suitable for facilitating the clearing and settlement of any purchases and sales of the unit.”

(Specification page 9, lines 20-22, Figs. 1, 3; 6, and 7.) Independent method claims 23 and 54 recite steps which make the article suitable for a subsequent offering by the company the issuance thereof.

(Specification page 22, line 19 through page 23, line 6, Figs. 2 and 7.) Independent method claims 28 and 59 recite steps which decompose the article suitable for trading into its constituent components. (Specification page 25, line 18 through page 26, line 4, Fig. 4.)

A company offers the unit to potential holders (i.e., investors) who then have simultaneously a direct ownership interest in the equity of the company and a direct ownership interest in the debt of the company. The holders can receive dividend revenue from their equity ownership and interest revenue from their debt ownership.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1) Whether article claims 1-18, 30-49, 61-62 and 73-74 can properly be rejected as non-statutory subject matter under 35 U.S.C. § 101 in light of the Federal Circuit's jurisprudence of what constitutes statutory subject matter.

2) Whether method claims 19-29, 50-60 and 63-72, which recite steps producing a concrete, tangible and useful result, can be properly rejected as non-statutory subject matter under 35 U.S.C. § 101.

VII. ARGUMENT

There is No “Separate ‘Technological Arts’ Test To Determine Patent Eligible Subject Matter Under § 101.” *See Exparte Lundgren*, Appeal No. 2003-2088 (BPAI 2005)

The Examiner has improperly rejected claims 1-74 for not having “practical application in the technological arts.” (January 17, 2006 Office Action, item 5, page 4.) The Specification and

Remarks of record (see December 3, 2004 Response to Office Action, pages 20-26) establish numerous examples of statements of practical application. For instance: the invention provides a structure for owners of privately held companies to raise capital through a public offering. (Specification, page 10, lines 20-24.) Thus, allowing companies with low growth rates, but stable and predictable streams of revenue, to raise capital through initial public offerings. The yield generated can be engineered to return a desired return on capital. (Specification, page 6, lines 19-20.) The article is available for purchase by the investing public. Holders of the article get one security but can receive two streams of revenue: a dividend payment from the equity portion, and interest payments from the subordinated debt portion. The company is able to prudently distribute nearly all its free cash flow to the holders of the claimed invention in the form of interest and dividend payments. (Specification, page 11, lines 19-20.) Holders of the claimed invention retain direct ownership interest in the equity and debt represented by the tradeable units, which is a distinguishing feature over the conventional financial units previously available in the art. (Specification page 15, lines 20-22.)

MPEP § 2106, Examination Guidelines for Computer Related Inventions (“Guidelines”), instructs that during examination the Examiner should point out statements made in the Specification that identify all practical applications for the invention, and that the Examiner should rely on such statements throughout the examination. MPEP page 2100-6. Further, the Guidelines instruct the Examiner that “only one [practical application] is necessary to satisfy the utility requirement.”

The Examiner errs in relying on a “separate technological arts” requirement and in failing to recognize that all of the pending claims satisfy the requirements of 35 U.S.C. § 101. Claims 1-74 satisfy the actual, existing Guidelines for statutory subject matter, and withdrawal of the rejection is appropriate for this reason alone.

Grounds of Rejection No. 1

The Article Claims Represent a New Form of Capital Structure That Comports With the Federal Circuit's Jurisprudence For a Concrete, Tangible and Useful Result.

Claims 1-18, 30-49, 61-62 and 73-74 are within the Federal Circuit's jurisprudence of what constitutes statutory subject matter. These claims are directed to "an article suitable for trade." The article recited in these claims is a new form of a capital structure for a company, representing equity and subordinated debt in a predetermined ratio as a tradeable unit. The structure of the claimed article suitable for trade is necessarily a transformation or reduction to a different state or thing because the claimed structure has a separate identity from the underlying equity and debt. Accordingly, the claimed article is a useful, concrete, and tangible item and, therefore, consequently meets the requirements of 35 U.S.C. § 101.

Unlike music, literature or photographs, the article suitable for trade recited in the claims represents equity and subordinated debt in a prescribed way and a predetermined ratio. Thus, a functional interrelationship exists between the components of the article and provides ownership to holders irrespective of whether it is read by a computer. A review of the MPEP §§ IV.B.1.(a, b), pages 2100-13 to 2100-14, makes clear that the article suitable for trade is not remotely akin to the examples of music, art, literature, and photographs.

Nor is the claimed subject matter merely a computer data structure representing descriptive material, but rather constitutes a new form of capital structure for a company; a tradeable security. The article provides a structure for owners of privately held companies to raise capital through a public offering. (Specification, page 10, lines 20-24.) Holders of the article get one security but can receive two streams of revenue: a dividend payment from the equity portion, and interest payments from the subordinated debt portion. The article is available for purchase by the investing public. Certainly these are all useful, concrete, and tangible results provided by the article suitable for trade defined by these claims.

The present invention is not like a compact disc holding music, but a creation of an "all-new asset class" with practical application. (See, e.g., *"Who Said the Market is Unpredictable,"*

Advertisement by the American Stock Exchange, Barron's, December 8, 2003, page 6 (commenting on a commercial implementation of a claimed embodiment) (cited to the Examiner in an Information Disclosure Statement submitted July 15, 2004).)

Moreover, the equity and subordinated debt in the tradeable unit are transformed or reduced to a different state or thing when represented by the structure of the claimed article suitable for trade. In the present invention the claimed structure has a separate identity from the underlying equity and debt. As recited in the Specification page 13, lines 10-22, that separate identity is given as distinct uniquely identifying references, for example a CUSIP number. Further, Standard & Poors ("S&P"), a rating agency known for its expertise in evaluating and analyzing financially related subject matter, stated that:

"Essentially, the debt and equity replaced by [the claimed article], is not equal to the debt and equity that make up the [claimed article]"

(*S&P says Income Securities Hurt Credit Quality*, Liz Rappaport, Dow Jones Newswire, April 28, 2004.) This article was cited by Applicants to the Examiner in an Information Disclosure Statement submitted July 15, 2004. Unequivocally, S&P concludes that the claimed unit is not simply an aggregation of equity and debt. Rather, S&P concludes the claimed unit necessarily is a transformation of the component parts.

The claimed article has been approved by the U.S. Securities and Exchange Commission and is actually traded on the American Stock Exchange under the symbol "CVP." Thus, the transformation of equity and subordinated debt as represented by the tradeable unit results in a claimed article which is "accepted and relied on by regulatory authorities and in subsequent trades." *State Street Bank & Trust Co. v. Signature Financial*, 149 F.3d 1368, 1373 (Fed. Cir. 1998).

For the foregoing reasons, the article claims in this first group not only have demonstrated practical application in the relevant art, but satisfy the Federal Circuit's decisional law as to what constitutes statutory subject matter in reciting an article having a useful concrete, and tangible result. The Examiner has erred in rejecting this group of claims under § 101.

Grounds of Rejection No. 2

Method Claims Reciting Steps Producing a Concrete, Tangible and Useful Result are Statutory Subject Matter Independent of Any Technological Art

Claims 19-29, 50-60 and 63-72 are method claims reciting steps directed to (a) establishing/offering an article suitable for trade as a unit (claims 19-27, 50-58 and 63-72); and (b) marketing constituent components of an article that is suitable for trade as a unit (claims 28-29 and 59-60). Although the Examiner rejects claims 73 and 74 as being process claims which “manipulate[] an abstract idea” (*see* Office Action mailed January 17, 2006, page 3), claims 73 and 74 depend from claim 1 and are apparatus claims. Appellant has previously informed the Examiner of this error. *See* Pre-Appeal Brief Request for Review mailed April 17, 2006, footnote 1, page 3; 2005. Appellants again submit that claims 73-74 are patentable, and have not yet been properly considered by the Examiner on their own merit.

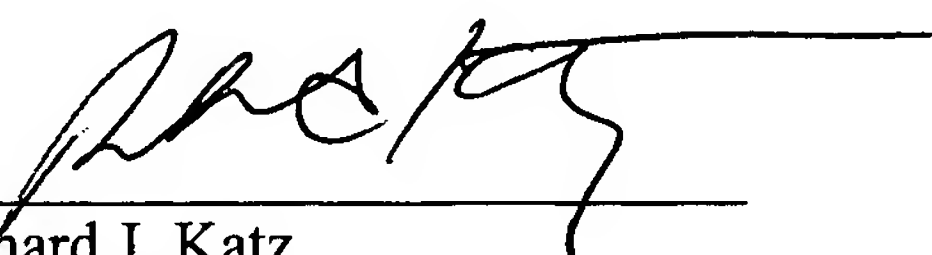
A process claim is statutory if it “produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing something that is concrete, tangible and useful.” *See* MPEP, pages 2100-18. The methods in the claims in the second group on appeal transform or reduce the equity and subordinated debt in the tradeable unit to a different state or thing when creating the claimed article suitable for trade. Selected examples of the concrete, tangible and useful results that are recited in the pending method claims 19-29, 50-60 and 63-72 are “offering the unit for purchase and sale,” “offering the second unit for purchase and sale,” and “effecting the transfer of ownership of at least one of the equity and debt.” None of the foregoing would be possible but for the creation of the claimed tradeable unit.

Paraphrasing the holding in *State Street Bank* with regard to the instant facts illuminates the legal basis for the Board to conclude that the method claims in the second group satisfy Section 101:

For all of the reasons set forth above, the rejections of claims 1-74 should be reversed. Appellants respectfully request that the application be remanded to the Primary Examiner with an instruction to withdraw the 35 U.S.C. § 101 rejection. Because all prior art rejections made by the Examiner have been overcome by the Appellants and withdrawn by the Examiner, Appellants respectfully request that the Primary Examiner also be instructed to pass the case to allowance.

Respectfully submitted,

Dated: September 8, 2006

By 
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APPENDIXES

12. (Previously Presented) The article of claim 11, wherein the second joint identifying reference comprises a unique number associated therewith to facilitate clearing and settlement of purchases and sales of the unit.

13. (Original) The article of claim 7, wherein the first and the second debts and the sub-unit each have a respective CUSIP number and wherein the unit has a CUSIP number that is different than said respective CUSIP numbers.

14. (Original) The article of claim 7, wherein the first and second debts each comprise at least one instrument selected from the group consisting of: a note, a bond, a promissory note, an interest bearing obligation, and a debenture; and

wherein the equity shares comprises at least one instrument selected from the group consisting of: common stock, preferred stock, and an ownership interest in the company.

15. (Original) The article of claim 7, wherein the unit provides direct ownership of said equity shares and said debt free of any trust certificate(s).

16. (Original) The article of claim 7, wherein at least one of the first debt and the second debt comprises a subordinated debt.

17. (Original) An article suitable for trade as a unit, comprising:

a quantity of equity shares in a company which is capable of paying dividends;

an amount of debt of the company which is interest bearing at a particular rate until a particular maturity date; and

a software reference associating the quantity of equity shares and the amount of debt to a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit.

18. (Original) The article of claim 17, wherein the unit provides direct ownership of said equity shares and said debt free of any trust certificate(s).

19. (Previously Presented) A method of establishing an article suitable for trade as a unit in an offering by a company, comprising the steps of:

defining a capital structure for the unit which includes equity shares in the company and debt of the company in a predetermined ratio;

submitting a request to register the equity shares and the debt for the offering by the company;

requesting the association of the registered equity shares and the debt together in a prescribed way according to the predetermined ratio;

depositing the registered debt and equity shares together under a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit; and

offering the unit for purchase and sale.

20. (Original) The method of claim 19, wherein the offering step comprises a public offering.

21. (Original) The method of claim 19, wherein the equity shares are capable of paying dividends, and wherein the debt is interest bearing at a particular rate until a particular maturity date.

22. (Original) The method of claim 19, wherein the offering is made free of any trust certificate(s).

25. (Original) The method of claim 23, wherein the offering step comprises a public offering.

26. (Original) The method of claim 23, wherein the first number and the second number are the same unique number.

27. (Original) The method of claim 23, wherein the subsequent offering is made free of any trust certificate(s).

28. (Original) A method of marketing constituent components of an article that is traded as a unit, comprising the steps of:

obtaining dominion over the unit from a holder of the unit, wherein a unique identifying reference number is associated with the unit which jointly represents equity and debt of the company as its constituent components;

separating the unit into the constituent components of equity and debt; and

effecting the transfer of ownership of at least one of the equity and debt.

29. (Previously Presented) The method of claim 28, wherein the debt is a subordinated debt.

30. (Original) An article suitable for trade as a unit, useful in a subsequent offering by a company, comprising:

a quantity of equity shares in the company which is capable of paying dividends;

a first amount of debt of the company which is interest bearing at a particular rate until a particular maturity date;

a second amount of debt of the company which is interest bearing at the particular rate until the particular maturity date;

said first and second debts and the equity shares being represented by the unit in a prescribed way according to a predetermined ratio; and

a software reference associating the quantity of equity shares and the amounts of first and second debt to a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit.

31. (Original) The article of claim 30, wherein the unit provides direct ownership of said equity shares and said first and second debts free of any trust certificate(s).

32. (Previously Presented) An article suitable for trade as a unit, comprising:

at least one computer database record representing one or more equity shares in a company which is capable of paying dividends, and debt of the company which is interest bearing at a particular rate until a particular maturity date; said equity shares and debt being represented in a prescribed way according to a predetermined ratio, the database record including an entry identifying a registered holder of the unit.

33. (Previously Presented) The article of claim 32, wherein the database record contains an identifying reference that is associated with the unit.

34. (Previously Presented) The article of claim 33, wherein the identifying reference comprises a unique number to facilitate clearing and settlement of purchases and sales of the unit.

35. (Previously Presented) The article of claim 32, wherein the debt comprises at least one instrument selected from the group consisting of: a note, a bond, a promissory note, an interest bearing obligation, and a debenture; and

wherein the equity shares comprises at least one instrument selected from the group consisting of: common stock, preferred stock, and an ownership interest in the company.

36. (Previously Presented) The article of claim 32, wherein the unit represents the equity shares and the debt free of any trust certificate(s).

37. (Previously Presented) The article of claim 32, wherein the debt is a subordinated debt.

38. (Previously Presented) An article suitable for trade as a unit in a subsequent offering, comprising:

at least one computer database record representing a first debt of the company which is interest bearing at a particular rate until a particular maturity date, a second debt of the company which is interest bearing at the particular rate until the particular maturity date, and one or more equity shares in a company which is capable of paying dividends; the equity shares, the first debt, and the second debt being represented in a prescribed way according to a predetermined ratio, the database record including an entry identifying a registered holder of the unit.

39. (Previously Presented) The article of claim 38, wherein one of the first debt and the second debt is included in the unit at one of a par value, an original issue discount, and an original issue premium.

40. (Previously Presented) The article of claim 38, wherein the subsequent offering is for a quantity of units and wherein the second debt has an aggregate principal value within the unit which is in proportion to the quantity of units in the subsequent offering.

41. (Previously Presented) The article of claim 38, wherein the first debt and the second debt are represented by a joint identifying reference associated with a sub-unit.

42. (Previously Presented) The article of claim 41, wherein the database record contains a second joint identifying reference associated with the unit, the second joint identifying reference representing the equity shares and the sub-unit.

particular maturity date to, the database including an entry identifying a registered holder of the unit.

49. (Previously Presented) The article of claim 48, wherein the unit provides direct ownership of the equity shares and the debt free of any trust certificate(s).

50. (Previously Presented) A method of offering for trade a unit representing an ownership interest in the capital structure of a company, the method comprising the steps of:

defining the capital structure for the unit so as to include equity shares in the company and debt of the company in a predetermined ratio;

submitting a request to separately register the equity shares, the debt and the unit for the offering by the company to the public;

requesting the association of the registered equity shares and the debt together in a prescribed way according to the predetermined ratio to form the unit under a single, unique number, which unique number is suitable for facilitating the clearing and settlement of any purchases and sales of the unit; and

offering the unit for purchase and sale.

51. (Previously Presented) The method of claim 50, wherein the offering step comprises a public offering.

52. (Previously Presented) The method of claim 50, wherein the equity shares are capable of paying dividends, and wherein the debt is interest bearing at a particular rate until a particular maturity date.

53. (Previously Presented) The method of claim 50, wherein the offering is made free of any trust certificate(s).

amount of debt of the company which is interest bearing at the particular rate until the particular maturity date; the database record representing the associated equity shares and the first and the second debts in a predetermined ratio with a single, unique number suitable for facilitating the clearing and settlement of any purchases and sales of the unit; and wherein the database record includes an entry identifying a registered holder of the unit.

62. (Previously Presented) The article of claim 61, wherein the unit provides direct ownership of the equity shares and the first and second debts free of any trust certificate(s).

63. (Previously Presented) A method of offering for trade a unit representing an ownership interest in the capital structure of a company, comprising the steps of:

creating new debt and equity in the company;

representing the debt and equity together in a prescribed way according to a predetermined ratio to form a tradeable unit; and

offering the tradeable unit for purchase and sale.

64. (Previously Presented) The method of claim 63, further including the step of registering the debt and equity with a regulatory agency.

65 (Previously Presented) The method of claim 64, further including the step of registering the unit with the regulatory agency.

66. (Previously Presented) The method of claim 63, further including the step of associating the unit with a single, unique number prior to the step of offering the unit, said number being suitable for facilitating the clearing and settlement of any purchases and sales of the unit.

EVIDENCE APPENDIX

All evidence is in the record.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings for this matter.